IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Neil H. Bander
Serial No. : 09/357,704
Filed : July 20, 1999
Title : TREATMENT AND DIAGNOSIS OF PROSTATE CANCER

Art Unit : 1642
Examiner : Gary Nickol

Commissioner for Patents
Washington, D.C. 20231

DECLARATION UNDER 37 CFR 1.131

I, Neil H. Bander, a citizen of the United States, residing at 2 Hemlock Hills, Chappaqua, NY, 10514, hereby declare as follows:

1. I am the inventor of the subject matter disclosed and claimed in the above-referenced United States Patent Application.

2. I am familiar with the present claims of the application, which are directed to a method of treating, preventing, or delaying development or progression of prostate cancer in a subject.

CONSIDERED SR 12/19/2001

3. Prior to March 25, 1996, I had conceived my invention as described and claimed in the above-identified application in this country, a NAFTA country or WTO country, and had diligently reduced the invention to practice, as evidenced below.

4. I submit herewith Exhibits A-L, evidence showing conception of the claimed invention prior to the March 25, 1996.

Prior to March 25, 1996, I had conceived of using monoclonal antibodies in the treatment of prostate cancer in humans.

Exhibit A shows an excerpt from a document describing my research on antibodies and their use in cancer that I wrote prior to March 25, 1996. The document dates, dates within the text of the document, and the name of the individual to whom the document is addressed, have been redacted in the excerpt provided in Exhibit A. The document clearly demonstrates that I was actively pursuing monoclonal antibodies for clinical use in prostate cancer.

As indicated in that document, my laboratory had been testing several monoclonal antibodies for their ability to bind to live LNCaP cells, a human prostate cancer model cell line. Several of the antibodies I had already characterized had demonstrated excellent potential, in that they were able to lyse LNCaP cells *in vitro* in the presence of human serum as a source of complement.